

This section referred to in construing section 128—see notes thereto. *McComas v. Amos*, 29 Md. 131.

As to advancements, see also art. 46, sec. 31. And see art. 46, sec. 27.

1904, art. 93, sec. 125. 1888, art. 93, sec. 126. 1860, art. 93, sec. 127. 1798, ch. 101, sub-ch. 11, sec. 7.

126. If there be a father and no child or descendant, the father shall have the whole.

This section applied. *Schaub v. Griffin*, 84 Md. 563. And see *Chester Hospital v. Hayden*, 83 Md. 115.

Ibid. sec. 126. 1888, art. 93, sec. 127. 1860, art. 93, sec. 128. 1798, ch. 101, sub. ch. 11, sec. 8.

127. If there be a brother or sister, or child or descendant of a brother or sister, and no child, descendant or father of the intestate, the said brother, sister or child or descendant of a brother or sister, shall have the whole.

Grand-nieces take under this section to the exclusion of cousins. This section construed in connection with section 128. *Hoffman v. Watson*, 109 Md. 553 (distinguishing *McComas v. Amos*, 29 Md. 120).

Cited but not construed in *Shriver v. State*, 65 Md. 281.

See notes to sections 128 and 130.

Ibid. sec. 127. 1888, art. 93, sec. 128. 1860, art. 93, sec. 129. 1798, ch. 101, sub-ch. 11, sec. 9.

128. Every brother and sister of the intestate shall be entitled to an equal share, and the child or children of a brother or sister of the intestate shall stand in the place of such brother or sister.

This section is explanatory of section 127. Distribution will be made among nephews and nieces *per stirpes* and not *per capita*. *McComas v. Amos*, 29 Md. 130.

Where a testator leaves legacies to his two brothers who, however, predecease him, such legacies go to the children of the legatees *per stirpes* and not *per capita*. (See section 326.) The legatees could not dispose of the legacies by their wills. *Halsey v. The Convention*, 75 Md. 284.

See notes to sections 127 and 130.

See art. 46, sec. 27.

Ibid. 128. 1888, art. 93, sec. 129. 1860, art. 93, sec. 130. 1798, ch. 101, sub-ch. 11, sec. 10.

129. If the intestate leave a mother, and no child, descendant, father, brother, sister or child, or descendant of a brother, or sister, the mother shall be entitled to the whole; and in case there be no father, a mother shall have an equal share with the brothers and sisters of the deceased, and their children and descendants.

Cited but not construed in *Hoffman v. Watson*, 109 Md. 554.

See notes to sec. 128.

Ibid. sec. 129. 1888, art. 93, sec. 130. 1860, art. 93, sec. 131. 1798, ch. 101, sub-ch. 11, sec. 11.

130. After children, descendants, father, mother, brothers and sisters of the deceased, and their descendants, all collateral relations in equal degree shall take, and no representation amongst such collaterals